GOVERNMENT OF MYSORE

LABOUR AND MUNICIPAL ADMINISTRATION DEPARTMENT (LABOUR).

Labour Dispute :—Industrial Dispute between the Workmen and the Management of Steel Construction Co., (P) Ltd., Bangalore-4.

Award of the Additional Industrial Tribunal, Bangalore—published.

Read the following papers :—

(1) Letter No. A.I.T. No. 508-9/67--68 dated 8th September 1967 from Shri V. C. Ramachandran, Presiding Officer, Additional Industrial Tribunal, Bangalore.

BEFORE THE ADDITIONAL INDUSTRIAL TRIBUNAL. BANGALORE.

Dated 5th September 1967.

Present :

Sri V. C. Ramachandran, B.A , B.Sc., (London.),
Bar-at-law.
Presiding Officer

A. I. D. No. 24 of 1966.

Sri K. N. Sreekantiah, Steel Construction Co., (P) Ltd., Hardinge Road, Bangalore-4. ... *First Party.*

Vs.

The Steel Construction Co., (P) Ltd., Hardinge Road, Bangalore-4. ... *Second Party.*

Appearances :

For the First Party.—Sri M. Krishna Murthy, Advocate, Bangalore.

For the Second Party.—Sri V. L. Narasimha Murthy, Advocate, Bangalore.

Reference:

G.O. No. LMA 353 LLD 66, Bangalore, dated 30th July 1966

AWARD.

This is a Reference made by the Government of Mysore, under G. O. No. LMA 353 LLD 66, dated 30th July 1966 of an industrial dispute between workman and the management of Steel Construction Co. (P) Ltd.. Bangalore–4, for adjudication, under Section 10 (1) (d) of the Industrial Disputes Act, 1947. It was originally referred to the Industrial Tribunal, Bangalore and subsequently by an Order No. LMA 595 LLE 66, dated 29th November 1966, it was transferred to this Additional Industrial Tribunal, and it was taken on file and registered as A. I. D. No. 24 of 1966. The dispute referred to this tribunal is whether the dismissal of one K. N. Sreekantiah by the management of M/s. Steel Construction (P) Co., Ltd., Bangalore–4, is justified and if not, to what relief the worker is entitled?

2. This is an individual dispute between Sreekantiah and the management of Steel Construction Co. (P) Ltd., Bangalore-4 which will hereinafter be referred to as the Company and the worker Sreekantiah will be referred to as the I Party. The I Party joined service under this company in November 1945 on a salary of Rs. 35 per month and his services were terminated on 4th March 1964 after a period of 19 years. In the year 1953 the I Party was sent to Bhadravathi in connection with a contract work undertaken thereby the Company, but according to him he was asked to do cooking and other menial work which he refused to do. He was discharged from service on 15th May 1953 but later on he was re-employed temporarily as a special case, as an Attender. He was not given the Provident Fund benefits from 1953 to 1955 and he complained and agitated against his exclusion from the Provident Fund benefits. According to the I Party, his dismissal from service was an account of this agitation. A number of false and unfounded charges were framed against him and according to him a farse of an enquiry was held lasting for about eight months. The enquiry which was held in the downstairs of the factory was suddenly shifted to the upstairs of the office and as he could not climb the stairs, he was unable to be present during the enquiry which was later concluded *ex-parte*. The conclusion of the Enquiry Officer that he was guilty of the charges framed against him, the I Party submits, was completely baseless and perverse. He claims therefore that he is entitled to be reinstated with all consequential benefits *viz.*, emoluments up to the date of reinstatement from the date of dismissal and the salary for the suspension

period together with the benefits of increments etc., to which he is entitled.

3. The Management of the Company resisted the claims made by the I Party on various grounds. Firstly that as it is an individual dispute and not an industrial dispute, the Reference is liable to be rejected. Secondly that the allegations of *mala fides* are untrue and thirdly that the enquiry was conducted according to the principles of natural justice and there was no attempt to victimise the I Party or resort to any unfairs labour practice. The I Party has a bad record of service of habitual late attendance inspite of several previous warnings. On 22nd March 1964 the I Party is alleged to have trespassed into the Office, insulted and threatened the Personnel Officer of direct consequences, and abused the management in an insulting and insolvent manner, and a complaint has been preferred to the Inspector of Police, Central Police Station for taking action against him. The II Party submits that the relief of re-instatement claimed by the I Party is untenable and undesirable and should not be granted in the interest of cordial relationship between the labour and the management. The management pray that the Reference be rejected.

4. The following issues framed in the case.

"1. Is this Reference being only an individual dispute contrary to the Industrial Disputes Act and the Government has no right to make this Reference ?
2. Is it bad being belated ?
3. Has this tribunal no jurisdiction to try this dispute ?
4. Is the enquiry held not proper, not legal and does it not satisfy the principles of natural justice ?
5. Has there been misconduct as alleged by the II Party ?
6. Is the dismissal wrongful and unjustified as pleaded ?
7. Is the I Party entitled to the reliefs sought for ?
8. To what relief is the I Party entitled ?"

So far as the 1st issue is concerned, an order was passed on 28th December 1966 holding that the Reference, although of an individual dispute, is not contrary to the Industrial Disputes Act and the Government of Mysore is competent to make this Reference and this tribunal has Jurisdiction to try this dispute. That order answers Issues Nos. 1 and 3.

5. Although the I Party has been working in the II Party company for nearly 19 years, the relationship between him and the II party has left much to be desired. He was always having differences with the management and has been throughout irrgular in his attendance and invariably coming late to the Office and not doing work that was allotted to him. The correspondence that has been produced between him and the management, and it has been a very lengthy correspondence shows the state of affairs that existed in the company *vis-a-vis* the I Party and the management. The entire trouble seems to have started in the year 1953 when the I Party was taken to Bhadravathi with the Officers who had gone there in connection with some contract work with the Iron and Steel Works. The allegation of the I Party is that he was made to cook and attend to comforts of the Officers, which as a clerk employed by the company, he was not bound to do. The Company however served a charge sheet on him alleging that complaints had been received from several quarters against his unsatisfactory behaviour and that from the enquiries made he was found to be guilty of misbehaviour and he was discharged from service with effect from 15th May 1953 with one month's salary. The I Party sent a letter of apology on 21st May 1953 and he was taken back and appointed as an Attender temporarily for a period of three months with effect from 6th June 1953. The next incident was the service of a charge sheet on 28th November 1958 alleging that the I Party had been habitually attending office late in spite of repeated warnings in that behalf and neglect of duties entrusted to him. The management found the charge proved and issued a memo to the effect that he is severely warned and any act of indiscipline and misconduct on his part in future would entail severe disciplinary action being taken against him by the management. The I Party gave an assurance on 20th November 1958 that he would come to the office very regularly from that day onwards and that he would carry on the work to the satisfaction of the management and that he might be excused. In spite of that, he persisted in coming late to the office. The management issued another notice to him saying that he has been habitually attending office late in spite of several warnings and that he has not been attending to his work promptly and that his work has been very unsatisfactory. By a letter dated 31st March 1959 the I Party was given a last chance till the 10th of April 1959 to improve himself and that if he failed to improve his conduct and attend to his work promptly, the management would be obliged to terminate his services and the I Party was to take that as a final

notice of warning. The I Party again apologised by a letter dated 31st July 1959 saying that he may be excused for his past late commings and that henceforward he would come to office in time. He had again written on 31st March 1960 that due to unavoidable circumstances he was coming late and that from that day onwards he would come to office regularly. On 2nd August 1960 another charge sheet was served upon the I Party alleging that he was habitually attending office late and failed to perform his duties. An enquiry was held and the I Party had given a letter dated 19th August 1960 again repeating that he would come to office regularly and that if he failed to attend regularly within one week he could be discharged without any consideration and that it was a final request he was making. The Management warned him again both for his irregular late attendance as well as for his neglect of duty. That seems to have not improved matters and another charge-sheet was served upon him on dated 25th December 1961 again alleging neglect of duty and unsatisfactory attendance. The I Party gave an undertaking dated 29th December 1961 praying that he may be excused and that he would not give room for such conduct in future and that he would come to office as per office hours in future and would attend to his duties promptly not giving room for such complaints and further if there was any irregularity in his attendance or negligence in his duties, he may be dismissed from service. The management again axcused him with a severe warning that if such neglect of duty or misconduct is noticed in future, he would be dismissed from service without notice. Even that did not improve matters because on the 16th March 1962 the I Party absented himself during office hours at 9-30 A.M. and returned at 11-30 A.M. and was found to be coming late every day and not doing his work properly. The I Party prayed for excuse again and said that severe disciplinary action may be taken if he gave room for such complaints in future, as per his letter dated 28th March 1962. Again another charge-sheet was issued to him alleging late attendance and neglect of duty on 19th June 1962 and he was warned on his undertaking to attend office promptly in future, given on 9th August 1962. He was again warned by the management and one increment was also given to him. On 5th December 1962 he was again absent from office from 2–30 to 5 P.M. and his explanation was called for. The I Party said that he was not well and he prayed that he might be excused and that he would not give room for such complaints in future. That is the history of the I Party and the management up to the date of the present charge-sheet. The I Party does not dispute the letters given by him to the management, but states that

they were taken by threats, but no evidence is forthcoming of such threats except is *ipsie dixit*. Hence the fact remains that till about the time of the present charge sheet, the attendance, work and behaviour of the I Party was far from satisfactory and his record of service, to say the least, has been extremely unfavourable. It is in this background that the charges now levelled against him have to be viewed.

6. The charges levelled against the I Party which culminated in his dismissal from service are four in number. Firstly that the I Party behaved in an insubordinate and insolent manner with the Manager of the Company on 30th May 1963 when the Manager questioned him about his absence from duty, Secondly that he has been habitually attending late between 9th August 1962 and 25th March 1963. Thirdly that he has been negligent in his duties of writing up the E.S.I. contribution cards and fourthly that he has falsely marked his attendance in the attendance register on 25th July 1963. The Enquiry Officer has found that all these four charges have been proved and that is a finding on a question of fact with which this tribunal cannot interfere. The jurisdiction of this tribunal is limited to ascertaining whether the evidence anduced before the Enquiry Officer justifies the conclusions reached by him and not whether that is the only conclusions that could be reached on the evidence placed before him. Keeping that principle in mind I have no hesitation in stating that there is evidence adduced before the Enquiry Officer justifying the conclusions reached by him that the I Party was guilty of the charges levelled against him During the enquiry it has been proved by the Time-keeper that the I Party has been habitually coming late to office during the period in question. The late attendance is admitted by the I Party himself who has signed in the Attendance Register and noted the time of his arrival to the office. The insolent and insubordinate behaviour of the I Party is spoken to by the Manager of the Company Sri Keshaviah who has deposed before the Enquiry Officer that when he questioned the I Party as to why he was not in his seat after marking his attendance, the I Party said that he had no authority to question him as to where he had gone, and that the Manager was paid Rs. 400 per month and that if the same salary was paid to him, he would also come to office promptly and do his work. It is also in evidence of Keshaviah that the I Party had wrongly marked in the Attendance Register on 27th May 1963 as 1-15 P.M. although he came to the office at 1-35 P.M. and that he left the office at about

1-45 P.M. and came back only at 4-30 P.M. It is also in the evidence that reminders had been issued from the Regional Director, E.S.I Corporation. Bangalore, regarding submission of 'B' set Contribution cards which had not been prepared by the I Party. The evidence of Keshaviah if believed, brings home the guilt to the I Party of the charges levelled against him. As against the evidence adduced before the Enquiry Officer the I Party has neither examined himself nor has he adduced any evidence. In those circumstances the irresistable conclusion that the Enquiry Officer could reach was that the I Party was guilty of the charges and his conclusion cannot be interfered with by this tribunal.

7. The conclusion reached by the Enquiry Officer can be set aside by this tribunal only on four grounds Firstly that the procedure followed by the Enquiry Officer in the conduct of the enquiry is against the principles of natural justice. Secondly that there has been *mala fides* on the part of the management and the dismissal was an act of victimisation or unfair labour practice. Thirdly that the order passed by the Management is against the Standing orders of the Company and not in accordance with law and Fourthly that there is no *prima facie* or sufficient evidence and the conclusion reached by the Enquiry Officer. is so perverse that on reasonable man can concur with him. The learned counsel for the I Party contended that the principles of natural, justice have not been followed by the Enquiry Officer. Firstly because certain documents which the I Party had sought for, were not made available to him and secondly because the Enquiry Officer Ananda-Rao has been both judge and witness to the incident and thirdly because sufficient opportunity was not given to him to tender his evidence and the evidence of his witnesses. In my view none of these contentions has any force. The Enquiry Officer has gone out of the way to cater to the whims and fancies of the I Party who has been adopting throughout the enquiry proceedings, dilatory and obstructive tactics. He was coming late on all days of enquiry and had shown very little regard and respect to the Enquiry Officer and the witnesses. A mere perusal of the Order Sheet shows to what length the I Party has gone in obstructing the progress of the enquiry. His plea that the documents were not given to him, is not borne out by the order sheet. On 14th January 1964 the I Party wanted the documents mentioned in in lists A and B and the concerned 'TO' Register and the Attendance Register to cross examine Keshaviah. They were furnished to him for verification and the I Party verified the

Registers till 5 P. M. and the case was adjourned. He has cross examined Keshaviah on no less than 8 days. The next objection to the enquiry was that the Enquiry Officer was also a witness to the incident. No such objection seems to have been taken during the enquiry and even the evidence does not disclose that the Enquiry Officer Ananda Rao was present when Keshaviah was being abused. According to Keshaviah, Ananda Rao came to the scene subsequently. The sequence of events according to Keshaviah is that it stated with his questioning the I Party about 9—30 A.M. in the presence of the Managing Director and Nagesha Rao Mane. The next sequence is the Managing Director Questioning him (the I Party) as to why he came late. Keshaviah does not say that Ananda Rao was present during his questioning the I Party. Nor was he present when the Managing Director questioned him It is only subsequently that the Managing Director asked Ananda Rao to enquire into the matter and report to him. Hence, it is idle for the I Party to contend that Ananda Rao, the Enquiry Officer was a witness to the incident nor was this plea taken at any time previously. So far as the final proceedings having been conducted *ex-parte*, it is the I Party himself who has to shoulder the blame. The I Party was intimated that the enquiry would be continued in the Office Room Upstairs on 7th February 1964. He deliberately refused to go upstairs. The Stores Attender was again sent to inform him to attend the enquiry in the room upstairs and the I Party refused to go upstairs. The plea of the I Party is that he was suffering from piles and palpitation of heart. The doctor however says that he has had no cardiac trouble. It is extremely strange that the I Party who had been attending to his office in the Upstairs, had suddenly found himself unable to climb the stairs. His absence is a deliberate act in pursuance of his dilatory and obstructive tactics. The principles of natural justice insist only on an opportunity being given to the delinquent to put forth his case and to examine his witnesses. But if the delinquent refuses to avail himself of the opportunity and deliberately keeps himself from taking part in the enquiry, it cannot be said that his nonparticipation in the enquiry in those circumstances led to a violation of the principles of natural justice. I am therefore of the view that there is no force in the contentions put forth that the principles of natural justice have been violated in the enquiry.

8 The second argument advanced by the learned counsel for the I Party is that the dismissal smacks of *mala fides* and victimisation. It must be remembered that the I Party is not a member

of any trade union and his evidence before this tribunal shows that he joined the Union whenever he wanted help from it and left his connection with the Union as soon as he received such help. So it is a case of individual conflict of the I Party with the management. The I Party made much of an error on the part of the management in not remitting the Provident Fund amounts to the authorities in time and he had started writing abusive letters to the management as well as to the Provident Fund authorities in regard to that matter. But the curious part of this agitation about the Provident Fund contribution is that it sees the light of the day only after the enquiry against the I Party had commenced. Although the failure to remit the Provident Fund amount took place between 1953 and 1955 and although in subsequent years it was the I Party who was preparing the Provident Fund list of the company, it never seems to have occurred to the I Party to rake up this matter till the incident which led to his dismissal. The I Party seems to have no respect for any one including the Regional Provident Fund Commissioner to whom he writes long after the order of his dismissal as per Ex. M 56 as follows :—

> "You have covered matters represented by me in my said letter to you dated 20th April 1964 without actually understanding the contents thereof or even if you have actually understood the same with a view to cover up your faults and negligence of duty in not instituting and taking prompt action against the offenders of Law."

The tone of the other letters written to the management as well as to the officials on the same vein was with a view to make out a point later on that all these persons had conspired against him to bring about his dismissal. The learned counsel for the I Party also contended that the severity of the punishment is also an indication of the *mala fides* of the management and the victimisation to which the I Party has been subjected to. Normally, punishment is an act of the management and not of this tribunal. It is not doubt true, that severe punishment for a trivial act is presumptive of *mala fides*. But taking the history of the I Party during his service in the company and his past conduct and attendance and efficiency with which he carried on his duties, it cannot be said by any stretch of imagination that the dismissal from service is a punishment out of all proportion to the magnitude of the offence committed by him. If it were an isolated incident of disobedience, late attendance, or neglect of duty, it could have been considered too severe that it should entail dismissal from

service. But the cumulative effect of 20 years' unruly behaviour, habitual late attendance and inefficient work will take the management to no other punishment than that of dismissal. It must also be pointed out that this tribunal is not an Appellate Authority over the disciplinary action taken by the management. If the action taken is *bona fide* for the purpose of maintaining discipline in the company, the tribunal will be very reluctant to interfere with the orders passed by the management.

9. It was next contended that the action taken by the management is not in accordance with the Standing Orders and in support of that contention it was pointed out that the standing orders in force in the company are those in Ex. W 9 according to which the dismissal can only be for misbehaviour, cheating etc., under Rule 8 and late attendance can only result in loss of wages, and not in dismissal. The management said that the Standing Orders which are now in force in the company are the model Standing Orders prescribed under rule 3(1) of the Mysore Industrial Employment (Standing Orders) Act, 1946 Rules, 1961. In those Standing Orders, habitual late attendance is a misconduct which may be furnished by dismissal without notice or any compensation in lieu of notice under rule 15. Habitual negligence or neglect of work is also a misconduct and any act subversive of discipline is a misconduct. But even assuming for a moment that the company is governed only by the Standing Orders Ex. W9, it would be noticed that misbehaviour is a misconduct and the punishment for the other misconduct or misbehaviour would depend upon its intensity and also on previous record of service and the length of service. Misconduct is defined in these Standing Orders and the punishment is prescribed only for isolated instances of late attendance or absence without permission. There is no reference in the Standing Orders with regard to punishment for habitual late attendance and habitual neglect of duty or act subversive of discipline. In the absence of any specific recitals with regard to those offences in the Company's Standing Orders, which are not by any means exhaustive, we have to follow the Model Standing Orders for offences not mentioned in the Company's Standing Orders. As stated before, under the Model Standing Orders these three offences amount to misconduct entailing dismissal from service.

10. The last point put forward by the learned counsel for the I Party is that there is no *prima facie* case and the conclusion reached by the Enquiry Officer is perverse. But for the reasons

already stated, I find no substance in these contentions. There is evidence justifying the finding of the guilt of the delinquent with regard to these charges.

11. If the enquiry is not vitiated because of any infirmity in those proceedings and if there is absence of *mala fides* or victimisation or unfair labour practice and if the order of dismissal is according to law and if the findings are based on evidence which justifies them, there is nothing further to be done and no interference with the order passed by the management is called for. Even assuming for a moment that the enquiry proceedings suffer from one or the other of the infirmities mentioned above, there is evidence adduced before this tribunal which justifies the action taken by the management. The I Party has examined only himself with regard to the charges while the other witnesses examined by him are with respect to Provident Fund contributions with which we are not at all concerned. The I Party's version of the incident is that he was being abused by the Managing Director who is alleged to have called him 'Madarchod' and he accused the Managing Director of discrimination. As against the sole testimony of the interested I Party, there is the evidence of Keshaviah and Gangoji Rao who were present when the incident took place. Gangoji Rao, against whom nothing is alleged, deposes that when the manager Keshaviah questioned him about his late coming, the I Party said that he was no one to question him and that there were the Directors to ask him. Keshaviah says that when he questioned the I Party for his going away without permission, the I Party said :—

> " You have no authority to question me, you keep quiet, you are paid Rs. 400 and if the same amount is paid to me, I shall do work promptly. You are fortunate to get the job. Do you know ?"

Those words addressed to a superior officer like the manager of the company are certainly not conducive to the discipline in the office nor will they promote good relationship between the co-workers. The Manager has every right to question those working under him about their duties. The way in which the I Party has answered those questions amounts to an act subversive of discipline. So far as late attendance is concerned, the I Party admits that he has

been coming late to the office. But his excuse seems to be that others also were coming late and that he had other work of the company to do which took him outside the office premises. The defence of the I Party cannot be said to be valid as the late coming of the others is no concern of his and there is nothing to indicate that he was being sent outside for any official work. On the contrary all his letters and undertakings and his answer to the charge sheet do not indicate that he was being sent out at any time on official duty. His main plea was that he was singled out for coming late and action taken against him while others were allowed to go scot-free. But others state that they had work outside which made them come late to the office. Gangoji Rao for instance, was attending to Bank work in the mornings and Keshaviah had taken permission for coming late. They had probably good reasons for coming late while the I Party seems to have had none. He had been warned a number of times against his late coming and no improvement was seen in his attitude to work. There is also evidence that he had made a false entry in the Attendance Register and that he had not filled up the E. S. I. cards for which reminders had been issued by the Company. Even assuming that the last two charges had not been satisfactorily established, it cannot be denied that the first two charges have been proved to the hilt. The insolent and disorderly behaviour of the I Party together with his habitual late attendance during the period in question are acts which could not be lightly looked upon by the management and they deserved the punishment that the management have inflicted *Viz.*, dismissal from service.

12. The parties have relied upon a number of decisions which have a bearing on this case and it may be necessary to refer to only a few of them which throw light on the principles which govern the interference by tribunals with the orders of dismissal passed by the management. In 1959 (II) LLJ page 80 following observations are made at page 84 by the Madras High Court :—

> " One must remember certain facts. The responsibility for the conduct of an enterprise rests squarely on the management. The responsibility for maintaining discipline is also on the management. One management may be slack and indulgent. Another may be strict. The Industrial tribunal is not a court of appeal in disciplinary matters."

In 1962 (I) LLJ 656 at page 660, Bhatt (Major U. R.)-*vs*-Union of India, the Supreme Court has made the following observations :—

> "The Enquiry Officer had afforded to the Appellant an opportunity to remain present and to make his defence. It is true that all the witnesses of the State who could have been examined in support of their case were not examined *viva voce*, but that was because of the conduct of the appellant who declined to participate in the the enquiry. He declined to take part in the proceedings and the Enquiry Officer was, in our view justified in proceeding to act upon the materials placed before him Once the appellant expressed a desire not to take further part in the proceedings of the enquiry officer, that officer was entitled to proceed *ex parte* and to act upon the materials placed before him. The enquiry made by the Enquiry Officer cannot, therefore, be challanged either on the ground of unfairness or incompleteness."

In 1962 (II) LLJ 772 at page 776, the Supreme Court has reiterated that in dealing with industrial disputes an industrial tribunal would be justified in characterising the findings recorded at the Domestic Enquiry as perverse only if it is shown that such a finding is entirely opposed to the whole body of evidence adduced before it. 1963 (I) LLJ page 291 is an authority for the proposition that the relations between the employer and the Union being not happy and the workmen concerned were Office-bearers or active members in the Union would by itself had no evidence to prove victimisation for, if that were so, it would mean that the Office-bearers and active workers of a Union with which the employer is not on good terms would have *carte blanche* to commit any misconduct and get away with it on the ground that the relations between the employer and Union were not happy. If, in that decision, the word 'workmen' is substituted for the word 'Union' the principle to be derived is that the unhappy relationship between the employer and its workman is by itself no proof of victimisation.

13. Taking into consideration the facts adduced in this case and the principles of law to be applied, I find the dismissal order justified and answer the Issues as follows :—

Issue No. 2.—No reason is shown as to why the Reference should be rejected as being belated. It is no doubt true that there

has been considerable delay in this Reference, but that by itself is no ground for rejecting it.

Issue No. 4.—The enquiry held was proper, legal and it satisfies the principles of natural justice.

Issue No. 5.—There has been misconduct as alleged by the II Party.

Issue No. 6.—The dismissal is justified and is not wrongful.

Issue No. 7.—The I Party is not entitled to the relief sought for by him.

14: In the result I am of the view that the I Party is not entitled either to reinstatement or to any compensation. It may be stated that the I Party has himself to blame for his downfall being prone to take a very cantankerous attitude towards his superiors in the Company. It may at the same time be mentioned that he has put in some years of service and is suffering from some physical infirmity and has a large family to support. During the course of the proceedings before this tribunal, a generous offer was made by the management without prejudice to the case before this tribunal. The I Party declined to accept it. It is to be hoped that the management will keep in mind that offer inspite of their success on the merits of the case.

15. With these observations I part with case and make the following :—

AWARD

The Reference is rejected and the I Party is not entitled to any of the reliefs claimed by him. There will be no order as to costs in the circumstances of the case.

V. C. RAMACHANDRAN,

Presiding Officer,

Additional Industrial Tribunal,

Bangalore.

5—9—1967

ORDER

Bangalore, dated 13th September 1967.

S. O. **1815.**—WHEREAS by State Government Order No. LMA 353 LLD 66 dated 30th July 1966, the Industrial Dispute between the Workmen and the Management of Steel Construction Co. (P) Ltd., Hardinge Road, Bangalore-1 was referred to the Industrial Triubnal Bangalore for adjudication.

WHEREAS by Order No. LMA 595 LLE 66 dated 29th November 1966, the dispute was transferred to the Additional Industrial Tribunal Bangalore.

AND WHEREAS the Additional Industrial Tribunal, Bangalore has submitted to the State Goverament its award in respect of the said Industrial Dispute.

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above, in the *Mysore Gazette*.

[No. LMA 353 LLD 66.]

By Order and in the name of the Governor of Mysore,

1083 G. G. PUROHIT, *Under Secy.*